



Feb 2 2011  
4:14PM

DISTRICT COURT, DENVER COUNTY, COLORADO Denver City and County Building 1437 Bannock St. Denver, Colorado 80202	
<b>Plaintiffs:</b> ANTHONY LOBATO, et al., and  <b>Plaintiff-Intervenors:</b> ARMANDINA ORTEGA, et al. v. <b>Defendants:</b> THE STATE OF COLORADO, et al.	
Alexander Halpern, #7704 ALEXANDER HALPERN LLC Kathleen J. Gebhardt, #12800 Jennifer Weiser Bezozza, #40662 KATHLEEN J. GEBHARDT LLC 1426 Pearl Street, Suite 420 Boulder, CO 80302 Telephone: (303) 449-6180 Facsimile: (303) 449-6181 ahalpern@halpernllc.com, gebhardt@indra.com, jennifer@bezozza.com <i>Attorneys for Anthony Lobato, et al.</i>  Kenzo Kawanabe, #28697 Terry R. Miller, #39007 Geoffrey C. Klingsporn, #38997 Daniel P. Spivey, #41504 Rebecca J. Dunaway, #41538 DAVIS GRAHAM & STUBBS LLP 1550 Seventeenth Street, Suite 500 Denver, CO 80202 Telephone: (303) 892-9400 Facsimile: (303) 893-1379 kenzo.kawanabe@dgsllaw.com, terry.miller@dgsllaw.com, geoff.klingsporn@dgsllaw.com, daniel.spivey@dgsllaw.com, rebecca.dunaway@dgsllaw.com <i>Attorneys for Plaintiffs Anthony Lobato, Denise Lobato, Taylor Lobato, Alexa Lobato, and Aurora, Joint School District No. 28, Jefferson County School District No. R-1, Colorado Springs, School District No. 11, Alamosa School District, No. RE-11J, and Monte Vista School District No. C-8</i>  Kyle C. Velte, #31093 Ryann B. MacDonald, #41231 REILLY POZNER LLP 511 Sixteenth Street, Suite 700 Denver, CO 80202 Telephone: (303) 893-6100 Facsimile: (303) 893-6110 kvelte@rplaw.com, rmacdonald@rplaw.com	<b>▲ COURT USE ONLY ▲</b>  Case No. 2005CV4794  Div. 9

*Attorneys for Plaintiffs Creede Consol. School District No. 1, Del Norte Consol. School District No. C-7, Moffat School District No. 2, and Mountain Valley School District No. RE 1*

Jess A. Dance, #35803  
PERKINS COIE LLP  
1899 Wynkoop Street, Suite 700  
Denver, CO 80202  
Telephone: (303) 291-2300  
Facsimile: (303) 291-2400  
JDance@perkinscoie.com

*Attorneys for Plaintiffs Sanford School District 6J, North Conejos School District RE-1J, South Conejos School District RE-10, and Centennial School District No. R-1*

David W. Stark, #4899  
Joseph C. Daniels, #41321  
Sera Chong, #41882  
FAEGRE & BENSON LLP  
3200 Wells Fargo Center, 1700 Lincoln Street  
Denver, Colorado 80203  
Telephone: (303) 607-3500  
Facsimile: (303) 607-3600  
dstark@faegre.com, jdaniels@faegre.com, schong@faegre.com  
*Attorneys for Plaintiffs Jessica Spangler, Herbert Conboy, Victoria Conboy, Terry Hart, Kathy Howe-Kerr, Larry Howe-Kerr, John T. Lane, Jennifer Pate, Blanche J. Podio, and Robert L. Podio*

Kimberley D. Neilio, #32049  
GREENBERG TRAURIG, LLP  
1200 Seventeenth Street, Suite 2400  
Denver, Colorado 80202  
Telephone: (303) 572-6500  
Facsimile: (303) 572-6540  
NeilioK@gtlaw.com  
*Attorneys for Plaintiff Pueblo, School District No. 60 in the County of Pueblo*

**PLAINTIFFS' INITIAL EXPERT DISCLOSURES AND  
SUPPLEMENTAL RULE 26(a)(1) DISCLOSURES**

Pursuant to the Case Management Order and Rule 26, Plaintiffs Anthony Lobato, *et al.*, ("Plaintiffs"), make the following disclosures. Plaintiffs reserve the right to supplement such disclosures as discovery progresses, and Plaintiffs will make their Rule 26(a)(2) disclosures pursuant to the timeline set forth in the Case Management Order.

Plaintiffs' Rule 26(a)(2)(B)(I) experts are as follows:

1. Justin Silverstein  
Augenblick, Palaich, and Associates, Inc.  
1120 Lincoln Street, Suite 1101  
Denver, CO 80203  
303-293-2175

Mr. Silverstein specializes in the analysis of the costs of funding public education and public school finance systems. The subject matter of Mr. Silverstein's testimony will include, without limitation, the cost of a constitutional public education in Colorado and the costing-out methodology and process.

2. Dr. Linda Darling-Hammond  
326 CERAS Building 520 Galvez Mall  
Stanford, CA 94305  
650-723-3555

Dr. Darling-Hammond is the Charles E. Ducommun Professor at Stanford University School of Education. The subject matter of her testimony includes, without limitation, teacher quality, teacher training, class size, accountability, skills for workforce/civic participation, student achievement including the effects of race and poverty, and necessary resources for education.

3. Dr. Bruce D. Baker  
Rutgers, The State University of new jersey  
Graduate School of Education  
10 Seminary Place  
New Brunswick, NJ 08901-1183  
732-932-7495

The subject matter of Dr. Baker's testimony includes, without limitation, Colorado's state school finance system and the inequities in programs, services and student outcomes that result from the system, and methodology utilized in education costing out studies. Dr. Baker's testimony also will address the finance system in relation to different and changing student demographics. Dr. Baker will testify about his report, "Is School Funding Fair? A National Report Card."

4. Dr. W. Steven Barnett  
National Institute for Early Education Research  
Rutgers, The State University of New Jersey  
120 Albany Street, Suite 500  
New Brunswick, NJ 08901  
(732) 932-4350

Dr. Barnett is a Board of Governors Professor and Co-Director of the National Institute for Early Education Research (NIEER) at Rutgers University. He specializes in the costs and benefits of early childhood education programs. The subject matter of his testimony includes, without limitation, the effects of high quality preschool and kindergarten programs on children's learning and development, the impact on school readiness and achievement of not providing early childhood education programs, the elements and resources necessary to implement a high quality early childhood education program, the quality and sufficiency of resources available for Colorado's preschool and kindergarten programs, and the quality and sufficiency of resources available for early childhood education programs in the Plaintiff school districts.

5. Dr. Henry M. Levin  
Columbia Teacher's College  
525 West 120<sup>th</sup> Street  
New York, NY 10027

Dr. Levin is the William H. Kilpatrick Professor of Economics and Education at Columbia Teacher's College. His areas of specialization are economics of education, cost effectiveness analysis, school reform, education policy, and education vouchers. The subject matter of his testimony includes, without limitation, economic consequences of failure to educate students adequately; social and economic impacts of students who drop out or are otherwise inadequately educated; and programs that have shown evidence of effectiveness and that are certified by independent experts.

6. Professor Tom I. Romero, II  
University of Denver Sturm College of Law  
2255 East Evans Avenue  
Denver, Colorado 80208  
(303) 871-7784

Mr. Romero will provide expert testimony and opinions at the trial of this matter. He is a professor at the University of Denver Sturm College of Law. The subject matter of his testimony includes, without limitation, the history of the Education Clause and Local Control Clause of the Colorado Constitution.

7. Carol Hedges  
Colorado Center of Law and Policy  
789 Sherman Street, Suite 300  
Denver, CO 80203  
303-573-5669

Ms. Hedges is the Director of the Colorado Fiscal Policy Institute. She has extensive knowledge about Colorado's budgeting process and the impact of TABOR and other constitutional and statutory constraints on Colorado's budget. The subject matter of her testimony will include without limitation Colorado's budgeting procedures, TABOR and constitutional and statutory constraints on Colorado's budget, the growth of special districts and the increase of elections due to TABOR, and the future options for the Colorado budget.

8. Dr. Margaret J. McLaughlin  
Department of Special Education  
University of Maryland  
1308 Benjamin Building  
College Park, MD 20742  
301-405-2337

Dr. McLaughlin is the Dean for Research and Graduate Education and the Associate Director of the Institute for Study of Exceptional Children at the University of Maryland. Dr. McLaughlin's testimony is expected to include, without limitation, the education of children with disabilities and the importance of educational opportunities to enable all children to meet high standards.

9. Robert Lee Linn  
PO Box 1815  
Ouray, CO 81427  
970-325-4235

Mr. Linn is a retired professor the University of Colorado. The subject matter of Mr. Linn's testimony includes, without limitation, student testing, evaluations, and related consequences.

Pursuant to Rule 26, Plaintiffs also disclose the following individuals as Rule 26(a)(2)(B)(II) experts and/or fact witnesses who may provide expert opinion.

10. Dr. Monte C. Moses  
11637 East Powers Avenue  
Englewood, CO 80111  
303-740-0355

Dr. Moses is the former superintendent of Cherry Creek Public Schools and was superintendent for 10 years. Dr. Moses will testify concerning the history, development, and policies supporting the education accountability, education reform, and contents-based education systems adopted and implemented in Colorado since 1993.

11. Dr. Scott D. Murphy  
5776 South Crocker Street  
Littleton, CO 80120  
303-347-3300

Dr. Murphy is the superintendent of Littleton Public Schools and has held this position since 2006. The subject matter of Dr. Murphy includes, without limitation, the history of the current school finance system, the changes to the act since 1988, and the efforts made by the legislature to address school finance.

12. Glenn E. Gustafson, CPA  
1115 North El Paso Street  
Colorado Springs, CO 80903  
719-520-2000

Mr. Gustafson is the Deputy Superintendent of Business Services and Chief Financial Officer for Colorado Springs District 11 schools. Mr. Glenn E. Gustafson, CPA, has been with School District 11 since January 1992. The subject matter of Mr. Gustafson's testimony includes, without limitation, how the current school finance system works statewide, the deficiencies and challenges of the current system, budget cuts, and the inability of school districts to provide the necessary programs, the future options for state funding, and the impact of PERA.

13. Lucinda Hundley  
5776 South Crocker Street  
Littleton, CO 80120  
303-347-3300

Lucinda Hundley is the Assistant Superintendent of Student Support Services at Littleton Public Schools, a member of the Special Education Fiscal Advisory Committee, and a former member of the P-20 Council. The subject matter of her testimony includes, without limitation, the provision of education services and costs related to: children with disabilities, children with specific health needs, children with discipline problems, children who are truant or at-risk of dropping out, and children with special needs in out-of-district placements.

14. Jeanne Boice-Wiley  
East Central BOCES  
820 Second Street  
Limon, CO 80828  
719-775-2342

Jeanne Boice-Wiley is the director of Special Education Services at the East Central BOCES. The subject matter of her testimony includes, without limitation, the provision of special education and related costs in rural Colorado.

15. Dan Maas  
5776 South Crocker Street  
Littleton, CO 80120  
303-347-3300

Mr. Maas is the Chief Information Officer for Littleton Public Schools. His testimony is expected to include, without limitation, the current state of technology and technology-related issues, such as staffing and necessary professional development, at school districts throughout Colorado, the effect of adequate technology resources and implementation on student achievement, and the minimal standard of technology necessary to provide an adequate education.

16. Cary Kennedy  
300 Jersey Street  
Denver, CO 80220  
303-916-1974

Ms. Kennedy is the former Colorado State Treasurer 2006-2010. Ms. Kennedy's testimony is expected to include, without limitation: Amendment 23, Referendum C, the mill levy freeze, Amendment 59, TABOR, Gallagher, and the constitutional and statutory structure as it relates to school finance.

17. George Welsh  
550 South Sylvester Avenue  
Center, CO 81125  
719-754-3442

George Welsh is the superintendent of Center School District and has held that position since 1997. Mr. Welsh's testimony will include, without limitation, the challenges faced by rural students, the mandates from the State and Federal Governments, the efforts made by rural school districts to try to provide educational opportunities to the students, and the impact of turn-around grants.

18. Lisa Escarcega

Chief Accountability & Research Officer  
Division of Accountability and Research, Aurora Public Schools Educational Services  
Center 2  
15751 East 1st Avenue  
Aurora, CO 80013  
303-340-0861

Ms. Escarcega is the Chief Accountability & Research Officer for Aurora Public Schools. The subject matter of her testimony includes, without limitation, programs, funding, state and federal standards and requirements for Colorado students learning English as a second or non-native language (commonly referred to as ELL, ELA, and/or ESL students), as well as the effectiveness of such programs, funding, standards and requirements.

19. Michael Poore

Deputy Superintendent/Chief Academic Officer - Instruction, Curriculum and Student Services  
Colorado Springs School District 11  
1115 North El Paso Street  
Colorado Springs, CO 80903  
719-520-2111

Mr. Poore is the Deputy Superintendent/Chief Academic Officer at Colorado Springs School District 11. The subject matter of his testimony will include, without limitation, the history, development, and policies of education accountability and reform.

20. Dr. Susan Scheibel

6395 South Xavier Court  
Littleton, CO 80123  
(303) 730-3344

Dr. Scheibel is an affiliate faculty member in the Gifted and Talented Masters Program at Regis University, past president of Colorado Association for Gifted and Talented, member of the State Advisory Council for Gifted and Talented, and former facilitator of a gifted and talented program in Littleton. She will testify regarding the academic and affective needs of gifted and talented students, the funding and programming limitations on gifted and talented programs in Colorado, and the consequences of not providing gifted and talented students with quality programs and services.



21. John Hefty  
9075 E. 29th Place  
Denver, CO 80238  
303-815-3065

Mr. Hefty is the past executive director of the Colorado Association of School Executives. The subject matter of Mr. Hefty's testimony will include, without limitation, the school finance system, its history, and implementation, and the common ways in which non-plaintiff school districts and plaintiff school districts are affected by school finance, standards and assessments.

22. Sue Windels  
4770 Baseline Road, Suite 220  
Boulder, CO 80303  
303-484-9596

Ms. Windels is currently the District Education Advocate for U.S. Congressman Jared Polis. She was the chair of the Colorado Senate Education Committee and served in both the Colorado House of Representatives and the Senate. The subject matter of Ms. Windels' testimony includes without limitation the education reform and school finance legislation that was considered and/or passed by the Legislature during her tenure.

23. Jack Pommer  
605 Pine Street  
Boulder, CO 80302  
303-835-3532

Mr. Pommer is a former Colorado State Representative and Chair of the Joint Budget Committee. The subject matter of Mr. Pommer's testimony includes without limitation school finance legislation and the constitutional and statutory constraints and challenges faced by the Legislature as it relates to school finance and education reform and legislation.

24. Andrew Romanoff  
10403 W Colfax Ave. #500  
Lakewood, CO 80215  
303-232-4336

Mr. Romanoff served in the Colorado House of Representatives from 2000-2008 and served as Speaker of the House from 2005-2008. The subject matter of his testimony includes, without limitation, efforts made during legislative sessions to address issues relating to state budget, TABOR, Referendum C, Amendment 59, school finance, education reform, and the limits of the legislature to address finance problems.

Plaintiffs join in Plaintiff-Intervenors' disclosures, served concurrently herewith. Additionally, Plaintiffs reserve the right to further disclose other experts, particularly unretained experts who may provide both factual and expert opinions, as discovery continues. Moreover, Plaintiffs reserve the right to elicit factual and expert testimony from State employees including, without limitation, the Colorado Department of Education, who have not yet been deposed.

Dated: February 2, 2011

DAVIS GRAHAM & STUBBS LLP

/s/ Terry R. Miller

Kenzo Kawanabe, #28697

Terry R. Miller, #39007

Geoffrey C. Klingsporn, #38997

Daniel P. Spivey, #41504

Rebecca J. Dunaway, #41538

*Attorneys for Plaintiffs Anthony Lobato, Denise Lobato, Taylor Lobato, Alexa Lobato, and Aurora, Joint School District No. 28, Jefferson County School District No. R-1, Colorado Springs, School District No. 11, Alamosa School District, No. RE-11J, and Monte Vista School District No. C-8*

Kathleen J. Gebhardt, #1280

Jennifer Weiser Bezosa, #40662

KATHLEEN J. GEBHARDT LLC

Alexander Halpern, #7704

ALEXANDER HALPERN LLC

*Attorneys for Plaintiffs Anthony Lobato, et al*

Kyle C. Velte, #31093

Ryann B. MacDonald, #41231

REILLY POZNER LLP

*Attorneys for Plaintiffs Creede Consol. School District No. 1, Del Norte Consol. School District No. C-7, Moffat School District No. 2, and Mountain Valley School District No. RE 1*

Jess A. Dance, #35803

PERKINS COIE LLP

*Attorneys for Plaintiffs Sanford School District 6J, North Conejos School District RE-1J, South Conejos School District RE-10, and Centennial School District No. R-1*

David W. Stark, #4899

Joseph C. Daniels, #41321

Sera Chong, #41882

FAEGRE & BENSON LLP

*Attorneys for Plaintiffs Jessica Spangler, Herbert Conboy, Victoria Conboy, Terry Hart, Kathy Howe-Kerr, Larry Howe-Kerr, John T. Lane, Jennifer Pate, Blanche J. Podio, and Robert L. Podio*

Kimberley D. Neilio, #32049

GREENBERG TRAURIG, LLP

*Attorneys for Plaintiff Pueblo, School District No. 60 in the County of Pueblo*

***The original, executed document is on file at the offices of Davis Graham & Stubbs LLP.***

### **CERTIFICATE OF SERVICE**

The undersigned certifies that on the 2nd day of February, 2010, a true and correct copy of the foregoing **PLAINTIFFS' INITIAL EXPERT DISCLOSURES AND SUPPLEMENTAL RULE 26(a)(1) DISCLOSURES** was served, via LexisNexis® File & Serve, addressed to the following:

OFFICE OF THE ATTORNEY GENERAL  
John W. Suthers, Attorney General  
Antony B. Dyl  
Carey Taylor Markel  
Erica Weston  
Nicholas P. Heinke  
Jonathan P. Fero  
Nancy Wahl  
1525 Sherman Street, 7th Floor  
Denver, CO 80203

Henry Solano  
DEWEY & LE BOEUF  
4121 Bryant Street  
Denver, CO 80211

Jess A. Dance  
PERKINS COIE LLP  
1899 Wynkoop Street, Suite 700  
Denver, CO 80202-1043

Kimberley D. Neilio  
Jennifer Harvey Weddle  
GREENBERG TRAURIG, LLP  
1200 Seventeenth Street, Suite 2400  
Denver, CO 80202

David G. Hinojosa (by email)  
Nina Perales  
Carmen Leija  
MALDEF  
110 Broadway, Suite 300  
San Antonio, TX 78205

Kyle C. Velte  
REILLY POZNER LLP  
511 Sixteenth Street, Suite 700  
Denver, CO 80202

David W. Stark  
Joseph C. Daniels  
Sera Chong  
FAEGRE & BENSON LLP  
3200 Wells Fargo Center,  
1700 Lincoln Street  
Denver, CO 80203

/s/ Fern O. Spangler  
Fern O. Spangler

***The original, executed document is on file at the offices of Davis Graham & Stubbs LLP.***